

8 ATTACHMENT 1 - AUTHORIZATION AND ELIGIBILITY REQUIREMENTS

8.1 Authorizing Documentation

A resolution was adopted by the Kaweah Delta WCD Board of Directors authorizing the General Manager, Mark Larsen, to submit the 2011 Water Conservation, Reuse and Quality Proposal on behalf of the Kaweah River Basin IRWM Group and to execute an agreement with the State of California for an IRWM Implementation Grant. A copy of the resolution can be found in the application as **IRWM Implementation Grant Proposal - Appendix A**.

8.2 Eligible Applicant Documentation

Kaweah Delta Water Conservation District is a local agency as defined in Appendix B of the Guidelines. Specifically it is a special district.

Kaweah Delta Water Conservation District was formed in 1927 under the provisions of the Water Conservation District Act of 1927.

Kaweah Delta Water Conservation District has the authority to enter into funding contracts as defined in Section 2, paragraph 5 of the Water Conservation Act of 1927.

Prior to Kaweah Delta WCD signing a funding contract with DWR, each implementing agency that will receive funding will enter into and execute a memorandum of understanding with Kaweah Delta WCD that will include commitments on the following topics:

- The implementing agency will agree to, by extension, all of the conditions and requirements that are included in the funding contract between DWR and Kaweah Delta WCD.
- Verify that the implementing agency has sufficient available funds to proceed with their project as planned with the knowledge that the grant program is a reimbursement program and that they must incur costs before those costs can be invoiced to DWR through Kaweah Delta WCD.
- That the implementing agency will support the Kaweah River Basin IRWM Group entering into a binding agreement with DWR to update, within a two year period from the execution date of the grant agreement, the Kaweah River Basin IRWM

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Plan to comply with then-current state law and to undertake all reasonable and feasible efforts to address water-related needs of disadvantaged communities in the area within the Kaweah River Basin IRWM region.

- That the implementing agency will submit all the identified deliverables in the proposal and all future reimbursement requests in a timely manner to DWR through regular submittals to Kaweah Delta WCD.
- That the implementing agency will accomplish project monitoring, project assessment and collection of performance measures in a timely manner and relay that information back to DWR through submittals to Kaweah Delta WCD.

A draft version of the MOU between Kaweah Delta WCD and implementing agencies can be found in the application as **IRWM Implementation Grant Proposal – Appendix B**.

8.3 GWMP Compliance

Table 8-1: Proposal Projects that Impact Groundwater and Associated Groundwater Management Plans

Projects that Impact Groundwater:	Implementing Agencies:	Applicable Groundwater Management Plan:
Plum Basin	Tulare ID, City of Tulare	Tulare ID
Water Reuse Pipeline	City of Visalia, Tulare ID	Tulare ID, Kaweah Delta WCD
Paregien Basin	Kaweah Delta WCD	Kaweah Delta WCD
Groundwater Quality Protection and Investigation	County of Tulare	Kaweah Delta WCD

As previous discussed in Eligibility Question 14 (Section 2.14), the groundwater throughout the Kaweah River Basin IRWM area is not in an adjudicated groundwater basin. There are two groundwater management plans that have been prepared and implemented in compliance with CWC §10753.7. One is Kaweah Delta WCD's groundwater management plan and the other is Tulare ID's groundwater management plan. Kaweah Delta WCD's service area (337,000 acres) completely overlaps Tulare ID service area (72,000 acres). The two groundwater management plans acknowledge each other and are generally complementary to each other. However, both plans and districts acknowledge that Tulare ID is the primary groundwater management entity within Tulare ID's service area. Generally Tulare ID's groundwater management plan provides more detailed information on the management efforts and groundwater

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projects that Tulare ID is pursuing than are reflected in the Kaweah Delta WCD groundwater management plan. Kaweah Delta WCD and Tulare ID have a specific agreement regarding their plans that is incorporated into Tulare ID's groundwater management plan.

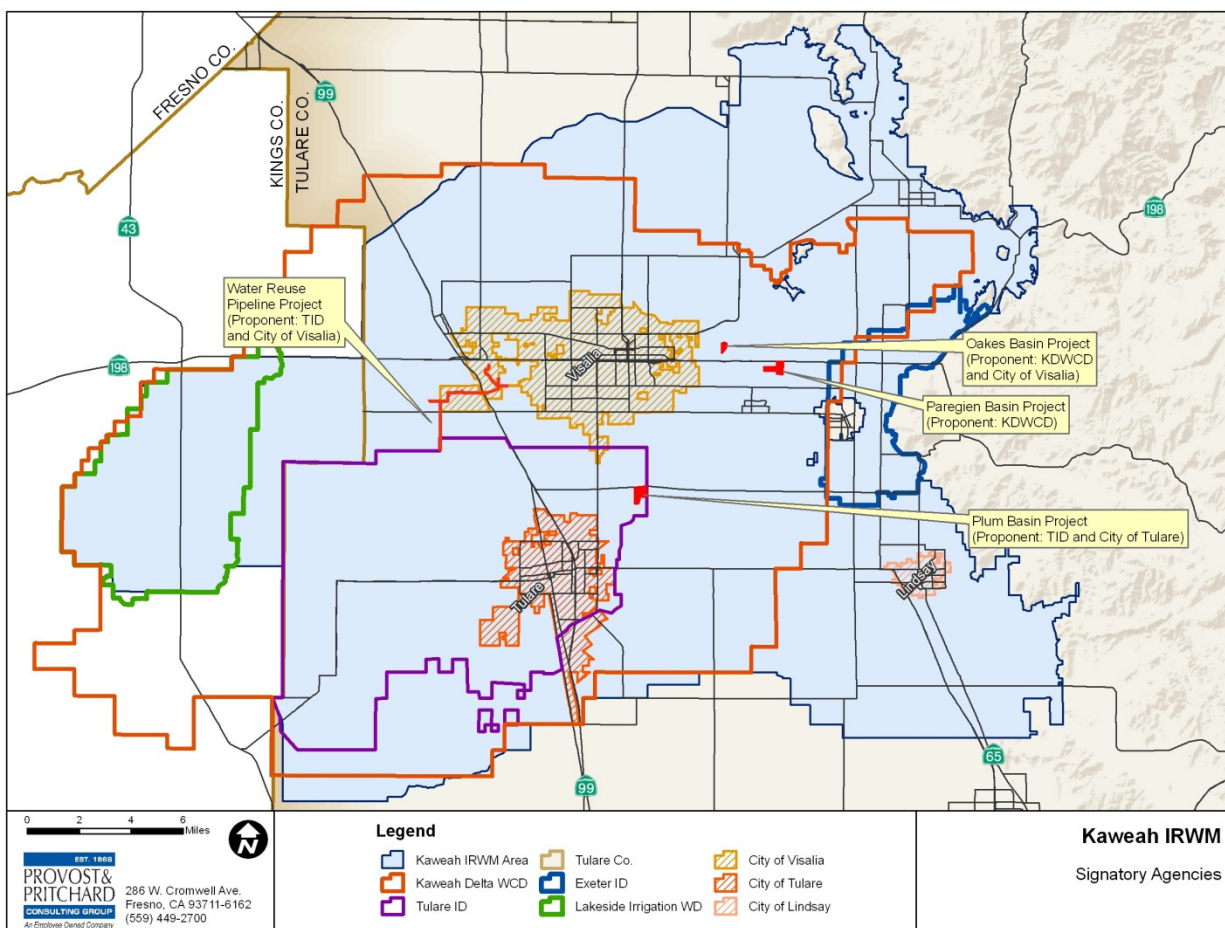


Figure 8.3-1 – Implementing Agencies, Project and GWMPs

Kaweah Delta WCD's groundwater management plan is the most significant groundwater management component of the Kaweah River Basin IRWM region's functionally equivalent IRWM plan. Several local entities are signatory to Kaweah Delta WCD's groundwater management plan including the City of Visalia, California Water Service Company (urban water supplier to the City of Visalia), the City of Tulare, the City of Farmersville, the City of Lindsay, the City of Woodlake, Consolidated Peoples Ditch Company, Kings County Water District, Lakeside Ditch Company, Lakeside Irrigation Water District, St. Johns Water District, Stone Corral Irrigation District, Tulare Irrigation District and Ivanhoe Irrigation District. These entities have all agreed to

participated in Kaweah Delta WCD's groundwater management plan that satisfies the requirements of CWC §10753.7.

All five of the implementing agencies involved in the Kaweah River Basin IRWM implementation grant proposal participate in Kaweah Delta WCD's CWC §10753.7 compliant groundwater management plan and Tulare ID has a separate CWC §10753.7 compliant groundwater management plan for their district and projects.

8.4 Compliance with CWC §83002(b)(3)(B)

The Kaweah River Basin IRWM group has a functionally equivalent plan. This plan is made up of several management documents and agreements between member agencies that have been developed over time into a regional management framework that functionally equates to an IRWM plan. DWR reviewed the elements (management documents and partnering agency agreements) that collectively make-up the Kaweah River Basin IRWM plan and deemed that they were "functionally equivalent" to an IRWM plan. Please review **IRWM Implementation Grant Proposal Appendix E** for a copy of this confirmation from DWR. Therefore, there is no specific adoption date associated with the Kaweah River Basin IRWM Plan because the elements of the plan have been in place for some time and were adopted at different times. However, in a separate effort, DWR evaluated the Kaweah River Basin IRWM region, conditionally approved the region and documented that the region was eligible for IRWM Planning and Implementation grants from Proposition 84. Please review **IRWM Implementation Grant Proposal Appendix E** for a copy of this confirmation from DWR. It is therefore concluded by the applicant, that for the terms of this proposal, the Kaweah River Basin IRWM Plan was adopted prior to September 30, 2008 and therefore the IRWM Plan was not required to be included in this submittal. If this determination has been made in error, the Kaweah Delta WCD is willing to provide a copy of all the management documents and partnering agency agreements that comprise the Kaweah River Basin IRWM plan at DWR's request.

8.5 Consistency with an adopted IRWM Plan

As stated in the previous section, the Kaweah River Basin IRWM group has a functionally equivalent plan. DWR reviewed the elements (management documents and partnering agency agreements) that collectively make-up the Kaweah River Basin IRWM plan and deemed that they were "functionally equivalent" to an IRWM plan. Demonstrating that the projects in this proposal are consistent with the "functionally equivalent" plan is somewhat challenging. Please review **IRWM Implementation Grant Proposal Appendix E** for a copy of this confirmation from DWR. In a separate effort,

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DWR evaluated the Kaweah River Basin IRWM region, conditionally approved the region, and documented that the region was eligible for IRWM Planning and Implementation grants from Proposition 84. Please review **IRWM Implementation Grant Proposal Appendix F** for a copy of this confirmation from DWR. Since the Kaweah River Basin IRWM region was conditionally approved, work has progressed with the Tule River Basin, which was also conditionally approved, to see if the two regions can feasibly and beneficially be combined. This was the only request made by DWR in the Regional Acceptance Process. The two regions have agreed to move forward with development of formal IRWM Plans and, for the first step in that plan's development, to perform the evaluation of the potential regions combining.

Since the formal IRWM plan for the region is currently being developed, the region's "functionally equivalent" plan currently guides the region's management of water supplies. This plan includes the following water management elements:

1. Programs for water supply reliability, water conservation and water use efficiency.
2. Storm water capture, storage, treatment and management.
3. Groundwater recharge, management and water quality projects.

All of these water management elements are employed to establish a flexible and dependable water supply that is consistent with the water availability issues that are sustainable given regional hydrology. Collectively, the implementation of these elements will reduce dependence on non-local water supplies by improving the flexibility of the management systems which are in place to use surface water when it is available and by improving the reliability of local supplies so that non-local supplies are less necessary for the region's groundwater to achieve balance.

Improving the reliability of groundwater and eliminating groundwater overdraft in the region is one of the Kaweah River Basin IRWM plans goals¹. The Kaweah River Basin IRWM group imports surface water and utilizes local supplies for groundwater recharge in the area east of Highway 99 so that groundwater resources are replenished both in the confined and unconfined aquifers. To this end, Kaweah Delta WCD has acquired the Lower Kaweah River surface water right from Tulare Lake farming interests several decades ago so that these supplies can be beneficially used in

¹ This is a goal in the Groundwater Management Plan and one of the reasons why the Water Resources Investigation (a regional water balance report) is regularly conducted.

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a way that improves water supply reliability throughout the region². The Kaweah River Basin IRWM group's hope is that groundwater declines can be eliminated and accomplishing more effective groundwater recharge with waters that would otherwise potentially cause damage to crops and communities within the Basin.

The Kaweah River Basin IRWM Region is primarily a conjunctive use region. There are portions in the east of the region that do not have usable groundwater supplies (LSID, SCID, IID, and EID), but the majority of the land within the region conjunctively uses surface water and groundwater. This means that for the majority of the region, groundwater is the only reliable supply of water available and surface water is used when possible to ensure that groundwater supplies are protected for when they are eventually needed (times of drought). **Therefore, conjunctive use is a key water management element in the Kaweah River Basin IRWM plan.** Consistent with this element, the non-local surface water supplies that are available to Basin conjunctive use districts are used to offset groundwater pumping and increase the reliability of local groundwater resources. Non-local wet year water is often imported to the area even though local supplies are plentiful to supplement the local supplies. However, the non-local water is not a supply that the majority of lands in the region can rely or depend on.

Over the last few years, the Kaweah River Basin IRWM group has supported projects by member agencies that have the ability to recharge groundwater in areas that will benefit the confined and unconfined groundwater aquifers throughout the region, that put greater amounts of local river supplies to beneficial use, and that make the region less dependent on Sacramento-San Joaquin Delta water. These recent projects are listed below:

- 2002-Joint effort/program between Tulare ID, Kaweah Delta WCD and the City of Visalia to compensate Tulare ID for groundwater recharge through their earthen unlined Main Intake Canal that benefits regional groundwater resources;
- 2004-Kaweah Delta WCD's Peoples Basin project groundwater recharge along Packwood Creek which is a collaborative flood control project with the City of Visalia;
- 2005-Kaweah Delta WCD's Oakes Basin project along Mill and Packwood Creeks which is a collaborative flood control project with the City of Visalia;

² This effort is a priority under the region's Surface Water Management goals.

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- 2006-City of Visalia's Basin is a 40-acre groundwater recharge project downstream of Mill Creek and Packwood Creek which is a collaborative flood control effort with the Kaweah Delta WCD;
- 2008-Tulare ID's Plum Basin project which is a collaborative effort with the City of Tulare to develop additional groundwater recharge capacity in the region;
- 2009-Kaweah Delta WCD's Police Station Basin project was an effort to improve the City of Visalia's ability to divert Packwood Creek flows for groundwater recharge and improve the City of Visalia's flood control protection;
- 2009-City of Visalia and Tulare ID proposed surface water exchange program that would allow for the City of Visalia to recharge waters east of Highway 99 and upgradient of the City;
- 2010-City of Visalia program with Tulare ID to purchase excess local river water and recharge it in Packwood and Cameron Creeks which are both east of Highway 99 and upgradient of the City of Visalia. This program encourages Tulare ID to use these creeks that have high infiltration rates, to provide the City with groundwater recharge in advantageous locations.

It is the belief of the Kaweah River Basin IRWM group that the five projects submitted in this proposal are consistent with the Kaweah River Basin IRWM's "functionally equivalent" plan as each of the projects addresses a key need or risk reduction for the region's water supply. As the Kaweah River Basin IRWM group currently has a "functionally equivalent" plan, there is no formal procedure for adoption of a project into the IRWM Plan. However, all of these projects have been in development for some time and reports have been given to the IRWM group at regular meetings of the member agencies on the development of the projects.

In August 2010, a set of selection criteria was developed by collaboration of the Kaweah River Basin IRWM group for the selection of implementation grant projects that were consistent with the priorities and policies of the region. This set of criteria was accepted by the member agencies and in October, 2010, project submittals were received by the Regional Coordinator. At the next regular IRWM group meeting, these proposals were made available to all member agencies and scored based on consistency with the region's priorities and policies through a group effort moderated by the Regional Coordinator. It was decided at that meeting that all five proposed projects would be included in the Kaweah River Basin IRWM group's application for round one of the Prop 84 Implementation Grants.

The following list contains a few examples of where the projects are consistent with the region's priorities and policies.

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Table 8-2: Proposal Projects and their Consistency with the IRWM Plan

Projects that Impact Groundwater:	Implementing Agencies:	Consistent Elements with IRWM Plan:
Plum Basin	Tulare ID City of Tulare	Increases GW Recharge Capacity, GW Banking, Regional Partnerships, Increases Water Supply Reliability, Reduces GW Overdraft.
Water Reuse Pipeline	City of Visalia Tulare ID	Improved Available Water Quality, Regional Partnerships, Diversified Water Supplies, Increased GW Recharge & Conjunctive Use.
Paregien Basin	Kaweah Delta WCD	Improved Flood Control, Increased GW Recharge Capacity, Increased Water Supply Reliability, Reduces GW Overdraft.
Oakes Basin Habitat Enhancement	Kaweah Delta WCD City of Visalia	Environmental Stewardship, Habitat Restoration, Regional Partnerships.
Groundwater Quality Protection and Investigation	County of Tulare	Equitable benefits to DACs, Protection of GW Quality, Increases Water Supply Reliability, Development of regional multi-benefit projects.

Each project has been submitted to the IRWM selection committee for review and was evaluated and internally scored in an effort to be transparent and allow projects that were supported by the group to move forward in the application. At the November 15, 2010 KRB IRWMG meeting, projects were reviewed and scored by the criteria developed by the group. This scoring criteria (**Appendix F of Attachment 1**), based it's scoring on items that are most beneficial to the IRWM group's regional water planning efforts. Each project was fully vetted at this meeting and was presented by the implementing agency. Based on the regional scoring criteria it was determined that all of the submitted projects were worthy of inclusion in the region's implementation grant application. Each project selected showed that it had significant benefits to the region, had been developed by a local agency, had been identified in other planning documents as an important and necessary project, and that same local agency was willing and able to commit to the necessary cost share associated with the project.

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REQUIREMENTS**

APPENDIX A

KDWCD Authorizing Resolution

RESOLUTION NO. 2010- 07
OF THE
BOARD OF DIRECTORS
OF THE
KAWEAH DELTA WATER CONSERVATION DISTRICT

WHEREAS, the State of California Department of Water Resources has determined that the District has a "functionally equivalent" Integrated Regional Water Management Plan for the Kaweah Subbasin;

WHEREAS, the District has coordinated with other local public entities ("Grant Participants"), which are interested in water-related matters in order to formulate several proposed projects for funding with grant monies available under a grant ("Grant") from the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Act of 2006 (California Public Resources Code Sections 75001, et. seq.);

WHEREAS, the Grant Participants have tentatively agreed that the District will be the lead agency with respect to communications with the California Department of Water Resources regarding the Grant;

WHEREAS, the Grant Participants have agreed on five projects ("Projects") that will be included within its application for the Grant;

WHEREAS, the Board of Directors of the District has deemed it to be in the best interest of the District to apply for the Grant on behalf of itself and the Grant Participants;

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Board of Directors of the Kaweah Delta Water Conservation District, that application be made to the California Department of Water Resources to obtain an Integrated Regional Water Management Implementation Grant pursuant to the Safe Drinking Water, Water Quality

and Supply, Flood Control, River and Coastal Protection Act of 2006 (California Public Resources Code Sections 75001, et. seq.), and to enter into an agreement to receive a grant for the five projects identified as follows:

Plum Basin

Water Reuse Pipeline

Paregien Basin

Oakes Basin Habitat Enhancement

Groundwater Quality Investigation and Protection

BE IT RESOLVED FURTHER that the President and/or General Manager of the Kaweah Delta Water Conservation District is hereby authorized and directed to prepare the necessary data, conduct investigations, file an application for the Grant, and execute an agreement for the Grant with the California Department of Water Resources.

Upon motion by Director Gomes, seconded by Director Ritchie, the foregoing Resolution was passed and adopted the 7th day of December, 2010, by the following vote:

AYES: Don Mills
Jeff Ritchie
Ron Clark
Stan Gomes

NOES: None

ABSENT: Mike Shannon
Chris Tantau
Mark Watte

ABSTAIN: None

CERTIFICATE OF RESOLUTION

I, Mark Larsen, hereby certify as follows:

1. That I am the Secretary of the Kaweah Delta Water Conservation District; and
2. That the foregoing resolution, consisting of 3 pages, including this page, is a true and correct copy of a resolution of the Board of Directors of the District passed at the meeting of the Board of Directors held on December 7, 2010, at the District's principal executive office, located at 2975 N. Farmersville Boulevard, Farmersville, California 93223.

IN WITNESS WHEREOF, I have signed this certificate this 4 day of January, 2011, at the District's principal executive office.



Mark Larsen, Secretary

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APPENDIX B

**Draft MOU between Kaweah Delta WCD and
Implementing Agencies**

DRAFT

MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING ("MOU"), effective this _____ day of _____, 2011, by and between the COUNTY OF TULARE ("County"), the CITY OF VISALIA ("Visalia"), the KAWEAH DELTA WATER CONSERVATION DISTRICT ("KDWCD"), the TULARE IRRIGATION DISTRICT ("TID"), the CITY OF TULARE ("Tulare") and the CITY OF FARMERSVILLE ("Farmersville") (individually "Party" and collectively "Parties"), is made in light of the following:

RECITALS:

WHEREAS, on or about November 30, 2010, County, Visalia, KDWCD and TID, together with the Exeter Irrigation District, the City of Lindsay, Lakeside Irrigation Water District and the City of Tulare, entered into a Restated Memorandum of Understanding in which all of the parties stated their desire to coordinate their efforts to follow the notice, hearing and other procedures outlined in California Water Code Section 10543, paragraphs (a) and (b), together with all other applicable law, to determine whether to prepare and adopt a Kaweah River Basin IRWMP in accordance with the provisions of California Water Code Sections 10540-10543, together with all other applicable law;

WHEREAS, the aforementioned Restated Memorandum of Understanding defines "Lead Party" as KDWCD and authorizes KDWCD to take certain action on behalf of the Parties;

WHEREAS, the Parties have applied for and anticipate receiving funds from a grant ("Grant") from the State of California ("State"), which may fund up to five separate projects (individually "Project" and collectively "Projects"), each of which Projects one or more of Parties anticipates completing; and

WHEREAS, the Parties desire to establish a procedure for compiling information for, preparing and submitting the quarterly reports for each of the Projects as required by the Grant and for paying the costs for such work,

NOW, THEREFORE, the Parties hereto mutually agree to the terms and conditions of this MOU, which provides as follows:

Section 1: Projects and Participants

It is anticipated that the Grant will fund five projects. The name of each of the Projects, the lead agency for each Project ("Project Lead Agency") and other participating entities in each Project ("Project Partner") are as follows:

<u>Project Name</u>	<u>Project Lead Agency</u>	<u>Project Partner</u>
Plum Basin	TID	Tulare
Water Reuse Pipeline	Visalia	TID
Paregien Basin	KDWCD	Farmersville
Oakes Basin Habitat Enhancement	KDWCD	Visalia
Groundwater Quality Investigation and Protection	County	

Section 2: Quarterly Reports

Each Project Lead Agency will timely compile and submit to the KDWCD the information necessary to prepare the quarterly reports for the Project for which each has responsibility. No information will be submitted for any Project for which grant funds from the Grant are not approved. Once KDWCD has received the necessary information to do so, it will promptly prepare each of the quarterly reports required for the Grant and submit the same to the State. Prior to submitting a quarterly report to the State, KDWCD shall allow a Project Lead Agency to review and approve any such quarterly report for its Project, if said Project Lead Agency requests to do so.

Section 2: Payment for Costs of Quarterly Reports

KDWCD shall be entitled to be reimbursed for its reasonable costs for receiving the information supplied by each Project Lead Agency and for preparing and submitting the aforementioned quarterly reports as required by the Grant. In addition to its out-of-pocket expenses, KDWCD shall be entitled to be paid for the time its employees expend performing the aforementioned tasks at the rates set forth on the attached Exhibit A. After KDWCD submits each Grant quarterly report pursuant to this MOU, it will send each Project Lead Agency an invoice for reimbursement for both the aforementioned out-of-pocket expenses and its employee time spent on said quarterly report and such invoice shall be paid, within thirty (30) days, out of funds from the Grant.

Section 3: General Provisions

3.1 Term. This MOU shall become effective on the date first above written. It shall continue until the expiration or termination of the Grant.

3.2 Construction of Terms. This MOU is for the sole benefit of the Parties and shall not be construed as granting rights to or imposing obligations on any person other than the Parties.

3.3 Good Faith. Each Party shall use its best efforts and work in good faith for the expeditious completion of the purposes and goals of this MOU and the satisfactory performance of its terms.

3.4 Execution. This MOU may be executed in counterparts and the signed counterparts shall constitute a single instrument. The signatories to this MOU represent that they have the authority to sign this MOU and to bind the Party for whom they are signing it.

IN WITNESS WHEREOF, the Parties hereto have executed this MOU to be effective as of the date first above written.

County:

COUNTY OF TULARE

Dated: _____

By _____

Title: _____

Approved as to form:

Dated: _____

TULARE COUNTY Counsel

Visalia:

CITY OF VISALIA

Dated: _____

By _____

Title: _____

Approved as to form:

Dated: _____

Attorney for CITY OF VISALIA

KDWCD:

KAWEAH DELTA WATER
CONSERVATION DISTRICT

Dated: _____

By _____

Title: _____

Approved as to form:

Dated: _____

Attorney for KAWEAH DELTA WATER
CONSERVATION DISTRICT

TID:

TULARE IRRIGATION DISTRICT

Dated: _____

By _____

Title: _____

Approved as to form:

Dated: _____

Attorney for TULARE IRRIGATION
DISTRICT

Tulare:

CITY OF TULARE

Dated: _____

By _____

Title: _____

Approved as to form:

Dated: _____

Attorney for CITY OF TULARE

Farmersville:

CITY OF FARMERSVILLE

Dated: _____

By _____

Title: _____

Approved as to form:

Dated: _____

Attorney for CITY OF FARMERSVILLE

Exhibit A

employee position

hourly rate